

## CHAPTER 1 – ANIMALS

Section 1-101. DEFINITIONS. The following terms, when used in this ordinance, have the meanings ascribed to them:

1. Accredited Minnesota Institution. Accredited Minnesota institution means an educational institution holding accredited status which has been licensed or registered by the Minnesota Office of Higher Education at the time a registrant obtained their certification.
2. Animal. Animal means dogs, cats, and chickens.
3. Animal Control Officer. Animal Control Officer means that person or agency designated by the City Manager to control the keeping of animals within Brooklyn Center.
4. Apiary. Apiary means the assembly of one or more colonies of bees on a property.
5. Apiary Site. Apiary site means the particular portions of a property upon which one or more hives are located.
6. At Large. At large means an animal that is off the property of its owner and not under restraint.
7. Beekeeper. Beekeeper means a person who owns or has charge of one or more colonies of honeybees or a person who owns or controls a property on which a colony is located whether or not the person is intentionally keeping honeybees.
8. Beekeeping Equipment. Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.
9. Chicken. Chicken means a domesticated bird (*Gallus gallus domesticus*), typically used as a source of meat or eggs. For the purposes of Section 1-130, all references to chickens are to hens.
10. Chicken Coop. Chicken coop means a structure for the keeping or housing of chickens permitted by this Chapter.
11. Chicken Run. Chicken run means a fully-enclosed and covered area attached to a coop where the chickens can roam unsupervised.
12. Colony. Colony means an aggregate of honey bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

13. Commercial Kennel. Commercial Kennel means any place limited to C2, I-1, and I-2 zoning districts where the business of keeping, raising, selling, boarding, breeding, showing, treating, or grooming of dogs and other animals is conducted, including pet shops, animal hospitals, and other similar establishments.
14. Family. Any of the following definitions shall apply:
  - a. A person or persons related by blood, marriage, or adoption, together with any domestic servants or gratuitous guests, maintaining a common household in a dwelling unit;
  - b. Group or foster care of not more than six (6) wards or clients by an authorized person or persons, related by blood, marriage, or adoption, together with any domestic servants or gratuitous guests, all maintaining a common household in a dwelling unit approved and certified by the appropriate public agency;
  - c. A group of not more than five (5) persons not related by blood, marriage, or adoption maintaining a common household in a dwelling unit.
15. Flyway Barrier. Flyway barrier means a barrier that raises the flight path of bees as they come and go from a hive.
16. Hen. Hen means a female chicken.
17. Hive. Hive means the receptacle inhabited by a colony.
18. Honey Bee or Bee. Honey bee or bee means all life stages of the common domestic honey bee, *apis mellifera*. This term does not include wasps, hornets, African subspecies, or Africanized hybrids.
19. Nucleus Colony. Nucleus colony means a small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose, and containing no supers.
20. Owner. Owner means any person or the parent or guardian of a person under 18 years of age who owns, keeps, or has custody of an animal in the City of Brooklyn Center.
21. Person. Person means any person, firm, corporation, partnership, joint venture or association.
22. Registrant. Registrant is any registered beekeeper and any person who has applied for approval of a beekeeping registration.

23. Rooftop. Rooftop means, for the purpose of regulating beekeeping, the uppermost section of a primary or accessory structure of at least one full story and at least twelve feet in height. Areas including, but not limited to, decks, patios and balconies shall not be considered a rooftop.
24. Rooster. Rooster means a male chicken.
25. Super. Super means a box that holds the frames where bees will store the honey.
26. Swarming. Swarming means the process where a queen bee leaves a colony with a large group of worker bees in order to form a new honey bee colony.
27. Under Restraint means an animal that is controlled by a leash or at heel besides a competent person having custody of it and obedient to that person's commands, or within a vehicle being driven or parked on a public street, or if it is within the property limits of its owner's premises.
28. Unusual Aggressive Behavior. Unusually aggressive behavior means, for the purpose of regulating beekeeping, any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs. For the purposes of this definition, "provocation" means an act that an adult could reasonably expect may cause a bee to sting or attack.
29. Wild Animal. Wild animal means any animal that is not normally domesticated in the state including, but not limited to, raccoons, turkeys, coyotes, foxes, deer, feral cats, skunks, and waterfowl.

Section 1-102. LICENSE REQUIRED.

Commercial Kennel License. Every person operating a commercial kennel shall annually obtain from the City Clerk, upon authorization by the City Council, a commercial kennel license. Commercial kennel licenses shall be posted in a conspicuous place within the licensed premises.

Section 1-103. LICENSE FEES. The license fee for each commercial kennel license, each renewal license, and each impounding penalty described herein shall be as set forth by City Council resolution. Every such license shall expire on September 30 next after its issuance.

1. Refunds, Prorating, and Transfers. No commercial kennel license fee shall be refunded or prorated, the provisions of Chapter 23 of Brooklyn Center Ordinances notwithstanding. No license required hereunder shall be transferable.

Section 1-104. APPLICATION PROCEDURES AND ISSUANCE OF LICENSES.  
Applications for all licenses required by this Chapter shall be made to the City Clerk.

1. Application for Commercial Kennel License.
  - a. Initial application for a commercial kennel license shall be made to the City Clerk. The application shall state the name and address of the applicant, the property address or legal description of the proposed kennel location, a sketch or drawing of the proposed kennel describing construction, operation, and the approximate number of animals to be confined therein, together with their age, breed, and sex, and together with the applicable license fee.
  - b. Hearing Required. A commercial kennel license application shall be referred to the Public Health Sanitarian who shall review the kennel design and operation and make a recommendation to the City Council on the adequacy thereof. Applications for commercial kennel license shall be placed on the agenda of the City Council for a public hearing at the regular City Council meeting next following 14 days after the application is received. Not less than seven (7) days before the date of the public hearing, the City Clerk shall mail notice of the hearing to the applicant and to the owners of property within 150 feet of the proposed kennel location. The failure of any owner to receive such notice shall not invalidate the proceedings.
  - c. Council Approval. The City Council may approve the commercial kennel license and may attach to such approval any conditions necessary to insure compliance with this ordinance, with Chapter 19 of City Ordinances, and any other condition necessary to protect the health, safety, welfare, and property values in the immediate area. The City Council may deny a commercial kennel license upon finding that the establishment of the kennel would constitute a public nuisance, or would adversely affect the health, safety, welfare or property values of the person residing, living, or owning property within the immediate area. The form of approval for a license shall be the resolution of approval, a certified copy of which shall be forwarded to the applicant.
  - d. Renewal of License. A copy of the commercial kennel license shall be forwarded to the City Clerk who shall maintain a register of kennel licenses. Subject to any time limitation set by the City Council, the license shall be valid for a period of one year and until October 1 of the then current calendar



year and shall be renewable on October 1 of each year thereafter by the City Clerk upon payment of a renewal license fee set forth by City Council resolution, only in the event no complaint regarding the kennel's operation has been received during the license year. In the event that no revocation of the license is made or contemplated by the City Council, the license shall be renewable as set forth in this subdivision.

- e. License Revocation. In the event a complaint has been received by City officials, a report thereof shall be made to the City Council by the City Clerk and the City Council may direct the applicant to appear to show cause why the license should not be revoked. A license may be revoked for violation of this ordinance, Chapter 19 of the Brooklyn Center Ordinances, or any condition imposed at the time of issuance.
- f. Condition of License. No license shall be granted or renewed for operation on any property on which taxes, assessments, or other financial claims of the state, county, school district, or city are due, delinquent, or unpaid. In the event a suit has been commenced under Minn. Stat. § 278.01 to 278.03, questioning the amount or validity of taxes, the City Council may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one (1) year after becoming due.

Section 1-106. STANDARDS FOR COMMERCIAL KENNELS. All commercial kennels shall be designed, operated and maintained according to the following standards:1.

Commercial kennel floors and walls shall be constructed of impervious materials and all structures, areas, and appurtenances shall be designed to facilitate thorough and convenient cleaning. Commercial kennels shall be adequately ventilated and all doors, windows, and other openings to the outside shall be screened, May through October. The commercial kennels shall be provided with adequate and potable water supplies and shall be equipped with sewer facilities. Plans for all new commercial kennels and repairs or alterations to existing commercial kennels must be filed with and approved by the City's Public Health Sanitarian as a condition of the license.

- 2. Operating Standards. The licensee, its agents and employees shall operate and maintain the kennel in accordance with standards set out in Title 9, Chapter 1, Subchapter A, Part 3, Section 3.100 through 3.106 of the United States Department of Agriculture, Animal and Plant Health Inspection Service, a copy of which is adopted by reference.

Section 1-107. RABIES VACCINATION REQUIRED. A person who owns, harbors, or keeps a dog over six months old within the city must have the dog vaccinated by a licensed veterinarian with an anti-rabies vaccine that is currently effective. A vaccination certificate is valid only for the dog and owner to which it is issued. A person must not use a rabies vaccination certificate for a different dog than the one for which it was issued.

Section 1-108. TAGS. A person who owns, harbors, or keeps a dog over six months old

within the city must securely attach an identification tag or plate to the dog's collar so that it can be readily seen. The tag or plate must contain the name and home telephone number of the owner or other person who is keeping the dog. The identification tag or plate must be worn by the dog at all times when it is off the owner's or keeper's property.

Section 1-109. LIMIT ON NUMBER OF CATS AND DOGS. Because the keeping of three (3) or more dogs or four (4) or more cats in the family dwelling unit or on the family premises is subject to great abuse, causing discomfort to persons in the area, by way of smell, noise, hazard, and general aesthetic depreciation, and because the irresponsible maintenance of three (3) or more dogs or four (4) or more cats within a residential area has been the source of a variety of complaints, no family or family member shall keep, harbor, or have custody of more than two (2) dogs, or more than three (3) cats, or a combination of more than five (5) animals exceeding six months of age in the family dwelling unit or on the family premises.

Section 1-110. NUISANCE PROHIBITED. It shall be unlawful for any person to keep an animal in any unsanitary place or condition, or in a manner which results in noisome odors, or in any way which constitutes a nuisance or a disturbance by reason of barking, howling, fighting, or other noise, or to maintain or permit a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any person or property.

Section 1-111. RUNNING AT LARGE PROHIBITED. It shall be unlawful for any owner to allow its animal to run at large.

Section 1-112. ANIMAL CONTROL OFFICER. The City Council may provide for a City Animal Pound, either within or outside the corporate limits and may provide for an Animal Control Officer to enforce this ordinance.

Section 1-113. ENFORCEMENT PROCEDURES. The Animal Control Officer may capture and impound any animal running at large.

Section 1-114. QUARANTINE. Any animal, including wild animals that have bitten a person shall immediately be impounded for at least 10 days and kept apart from other animals, under the supervision of a veterinarian, until it is determined whether such animal had or has a disease which might have been transmitted by such bite. Such impounding may be done by the owner, and need not be at the pound designated by the City, but if it is not at the designated pound, the owner shall notify the police department immediately and shall furnish proof in writing that such animal is being so impounded. Upon the expiration of 10 days, if it is determined that the animal does not have a disease which might have been transmitted by such bite, it may be released, and the police department shall be notified immediately prior to such release by the owner of the animal. If the animal is impounded at the designated pound, it may be reclaimed as hereinafter provided. Any animal which has been bitten by a rabid animal shall be killed or impounded and kept in the same manner for a period of six months; provided that if the animal which has been bitten by a rabid animal has been vaccinated at least three weeks before such bite and within one year of such bite and if it is again immediately vaccinated, then such animal shall be confined or impounded for a period of 40 days before it is released. The owner of an animal which has been bitten by a rabid animal shall notify the police department immediately prior to the release of any

such animal.

Section 1-115. DANGEROUS ANIMALS. If an animal is diseased, vicious, dangerous, rabid or exposed to rabies and such animal cannot be impounded after a reasonable effort or cannot be impounded without serious risk to any person or persons, or if the animal has made more than one attack on a person or persons, such animal may be immediately killed by or under the direction of a police officer.

Section 1-116. TREATMENTS DURING IMPOUNDING. Any animal which is impounded in the designated pound shall be kept in accordance with Section 1-106 of this ordinance. If the animal is not known or suspected of being diseased and has not bitten a person or been bitten by a rabid animal, it shall be kept in the pound for at least five days, unless it is sooner reclaimed by its owner. If such animal is known to be or is suspected of being diseased with a disease which might be transmitted to persons, it shall be kept in the pound for at least 10 days.

Section 1-117. REDEMPTION OF IMPOUNDED ANIMALS. Any animal may be redeemed from the pound by the owner upon payment of the following:

1. The amount of the boarding fee which the City is required to pay the pound keeper.
2. An impounding penalty as set forth by City Council resolution.

The City Manager or the City Manager's designee may waive the late-license penalty and the impounding penalty for persons other than the owner in cases of sale in accordance with Section 1-118 of this ordinance.

Section 1-118. DISPOSAL OF UNREDEEMED ANIMALS. The City's designated pound keeper shall make an effort to contact the owner of any animal which has been impounded and which has identification on it. If at the end of the impounding period the animal is not reclaimed by the owner, such animal shall be deemed to have been abandoned and may be disposed of or sold to any person following the procedures contained in Minn. Stat. § 514.93 relating to the sale of unclaimed animals by veterinarians.

Section 1-119. ABANDONMENT. It shall be unlawful for any person to abandon any animal, including wild animals in Brooklyn Center.

Section 1-130. CHICKENS.

1. Keeping. Up to six (6) chickens may be kept on a single-family or two-family residential property in the R1 and R2 Zoning Districts. Only hens may be kept pursuant to this Section. The keeping of one or more chickens in any other zoning district in the City is prohibited.
2. Requirements. Chickens allowed by this Section shall be kept in accordance with

all of the following:

- a. Ownership Occupancy. The owner of the chickens shall live in the dwelling on the same property as the chickens are kept. If the property is not owner-occupied, then the property owner must provide a written statement to the City of permission for the occupants to keep chickens at the property.
  - b. Chicken Coops and Runs. Chickens shall be kept at all times in a chicken coop or chicken run that complies with the requirements of this Section.
3. Chicken Coops and Chicken Runs. Chicken coops and chicken runs shall comply with the following requirements and restrictions.
- a. The area covered by a chicken coop and a chicken run is limited to a combined total of no more than 120 square feet and shall not exceed six (6) feet in height.
  - b. Any chicken coop that exceeds 30 square feet shall be considered an accessory structure and must meet all requirements in Section 35-530 of this Code.
  - c. All applicable building, property maintenance, and zoning requirements of Chapter 35 of this Code.
  - d. All electrical work shall be done in accordance with applicable codes and any required permits shall be obtained.
  - e. A chicken coop shall:
    - 1) Be fully enclosed, wind proof, and constructed so as to prevent escape by any chickens or entrance by migratory birds;
    - 2) Be winterized to protect the chickens in cold weather; and
    - 3) Be constructed with architecturally appropriate building materials including exterior grade siding and either a metal, composite or shingled roof, or in the alternative, coop shall be purchased from a commercial source that constructs structures specifically to be used as coops for chickens.
  - f. A chicken run shall:
    - 1) Be fully enclosed with a fence that is securely constructed with mesh type material no larger than one (1) inch; and
    - 2) Be covered by protective overhead netting to keep chickens separated from other animals.

- g. Be located in accordance with all of the following:
    - 1) Entirely in the rear yard of the property;
    - 2) At least five (5) feet from side or rear lot lines and shall not be erected, altered, or moved, within six (6) feet of the principle building, as measured from exterior wall to exterior wall;
    - 3) At least thirty (30) feet from all dwellings on adjacent properties; and
    - 4) Shall not be located closer to an adjacent street than the owner's dwelling.
  - h. Shall be removed and the site restored if the keeping of chickens is discontinued for more than six (6) months.
4. Prevention of Nuisance Conditions. Owners shall care for chickens in a humane manner and shall prevent nuisance conditions by ensuring that all of the following conditions are met.
- a. The chicken coop and chicken run shall be maintained in good repair, and in a clean and sanitary manner free of vermin and objectionable odors.
  - b. Feces and discarded feed shall be regularly collected and stored in a leak-proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin until it can be disposed of properly.
  - c. Chicken feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.
  - d. Chickens shall be secured inside of a chicken coop from sunset to sunrise each day to prevent nuisance noise and attracting predators.
  - e. Chickens shall remain in either the chicken coop or chicken run at all times and shall be allowed to not run at large.
5. Prohibitions. All of the following are prohibited within the City and constitute a violation of this Code.
- a. Keeping of roosters.
  - b. Cockfighting.
  - c. Slaughter of chickens.

- d. Raising chickens for breeding purposes.
- e. Keeping of chickens over the age of four (4) weeks inside of a dwelling or garage.
- f. Commercial sale of poultry or eggs produced on the property.

#### Section 1-140. BEEKEEPING.

1. Restricted. No person shall keep, harbor, maintain, or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the City unless the person is registered with the City as provided in this Section and the bees are kept at an approved apiary site on the registrant's property. Hives may only be located on a single-family or two-family residential property in the R1 and R2 Zoning Districts and no more than four (4) hives may be kept on a property. The keeping of any hives in any other zoning district in the City is prohibited.
2. Registration Process.
  - a. A person seeking to register to keep bees must submit an application using the City's approved form. All requested information must be provided along with the application fee in the amount set by the City Council. Incomplete applications will not be processed.
  - b. The registrant shall live in the dwelling on the same property that is to serve as the apiary. If the registrant does not own the property, the property owner must provide a written statement to the City of permission for the registrant to keep bees on the property and acknowledging the City's right to inspect the property as provided in this Section.
  - c. Submission of an application for registration constitutes consent by the registrant, and any other person who may have an interest in the property to which the application relates, for the City to inspect the apiary sites as provided in this Section.
  - d. Apiary sites may only be located on a single-family or two-family residential property located in the R1 and R2 Zoning Districts.
  - e. The property on which an apiary is to be located must be in compliance with all applicable City regulations.
  - f. Each proposed apiary site must be identified on the application along with such additional information as may be required to demonstrate that each such site complies with the colony location restrictions in this Section.
  - g. No bees may be brought to an apiary site until it is registered by the City.

- h. The initial application for registration must be accompanied by a certificate of attendance indicating the registrant has completed a beekeeping training and education course conducted by an accredited Minnesota institution.
  - i. The City shall inspect the property on which a new apiary site is proposed before issuing a registration for the site.
  - j. An application for registration shall be submitted to the Community Development Department and shall be acted on administratively. If the application proposes a new apiary site, the City shall send written notice of the proposed registration to the owners of property located within two hundred (200) feet of the property line of the property on which the new apiary site is to be located. Any owner within the notification area may submit a written objection to the registration to the City within fourteen (14) days of the date of the notice. The City shall consider the written objections received from within the notice area before acting on an application. If a resident living within the notice area submits a timely written objection that includes written medical documentation from a licensed physician that the person is allergic to honeybee venom, the City shall deny the application.
  - k. The City shall provide written notice of its decision on the application to the registrant and to any owner within the notice area that submitted a written objection. Any such person may appeal the City's decision by filing a notice of appeal with the City within fourteen (14) days of the date of the notice of decision. The notice of appeal must state the specific grounds for the appeal and identify the requested relief. Timely appeals shall be processed and acted on as provided in this Section.
  - l. An approved registration is limited to the particular person and the approved apiary sites only. Any proposed change in the beekeeper, apiary site, or the addition of a new apiary site shall require a new registration.
  - m. A registration shall be valid until March 31 of the second calendar year following initial issuance and shall be renewed by the registrant prior to expiration every other year by submitting a renewal form to the Community Development Department on the form provided by the City. If the registration is not renewed, the beekeeper is required to remove all bees and beekeeping equipment from the property within ninety (90) days.
3. Inspections.
- a. If an application is for a new apiary site, the City shall inspect the property prior to acting on the registration.
  - b. Upon prior notice to the owner of the apiary, City staff shall have the right to inspect any registered apiary.



- c. In the case of a complaint regarding an apiary, City staff may inspect the apiary at all reasonable times without prior notice to the owner of the apiary.
4. Colony Location Restrictions. A registrant shall locate hives in accordance with all of the following provisions.
- a. Entirely in rear yard of the property.
  - b. At least five (5) feet from side or rear lot lines and shall not be erected, altered, or moved within six (6) feet of the principle building, as measured from exterior wall to exterior walls.
  - c. At least thirty (30) feet from all dwellings on adjacent properties.
  - d. Not located closer to an adjacent street than the dwelling on the property. This restriction does not apply to an alley that may be adjacent to a property.
  - e. Except as otherwise provided in this paragraph, in each instance where any part of a hive is kept within thirty (30) feet of a lot line of the apiary site, a flyway barrier of at least six (6) feet in height must be constructed that complies with the following:
    - 1) The flyway barrier must consist of a wall, fence or dense vegetation that requires honey bees to fly over, rather than through, the barrier;
    - 2) If a dense vegetation flyway barrier is used, the initial planting may be a minimum of four (4) feet in height, but the vegetation must reach a height of at least six (6) feet within two (2) years after installation;
    - 3) If a wall or fence flyway barrier is used, the materials must be decay resistant, maintained in good condition, and constructed in accordance with Chapter 35 of this Code;
    - 4) The flyway barrier must extend parallel to the lot line of the apiary site for at least ten (10) feet in both directions from the hive or must contain the hive or hives in an enclosure at least six (6) feet in height; and
    - 5) A flyway barrier is not required if the hive is located on a rooftop.
5. Conditions. The following conditions and requirements apply to every registration issued by the City under this Section. Failure to comply with any of these conditions, or any other requirements of this Section, shall constitute sufficient grounds to suspend, revoke, or non-renew a registration.
- a. Compliance with all standards, requirements, and limitations contained in this Section.



- b. No more than four (4) hives may be kept at an approved apiary site.
  - c. The hives shall be removed and the property restored if the keeping of bees is discontinued for more than six (6) months.
  - d. A registrant is prohibited from keeping bees at any location in the City other than the apiary sites approved for a property as part of the registration.
  - e. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.
  - f. For each colony permitted to be maintained by this Section, there may also be maintained upon the same apiary, one nucleus colony in a hive structure not to exceed one standard nine and five-eighths (9 5/8) inch depth box, 10-frame hive body with a maximum of five (5) supers.
  - g. Colonies within an apiary shall be provided with a convenient source of water, which must be located within ten (10) feet of each active colony.
  - h. Beekeeping equipment must be maintained in good condition, including keeping the hives free of chipped and peeling paint (if painted), and any unused equipment must be stored in an enclosed structure.
  - i. Materials from a hive such as wax combs or other materials that might encourage robbing by other bees shall be promptly disposed of in a sealed container or placed within a building or other bee and vermin proof enclosure.
  - j. Hives shall be continuously managed to provide adequate living space for their resident honeybees in order to prevent swarming.
  - k. In any instance in which a colony exhibits unusual aggressive behavior, it shall be the duty of the beekeeper to promptly re-queen the colony.
6. Temporary Keeping. If a registered beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, that person shall not be considered in violation of the colony density restrictions in this Section if the following conditions are met:
- a. The beekeeper temporarily houses the honeybees at an apiary site of a beekeeper registered with the City;
  - b. The bees are not kept for more than thirty (30) days; and
  - c. The apiary site remains in compliance with the other provisions of this Section.

7. Suspension, Revocation, or Non-Renewal.

- a. The City may suspend, revoke, or non-renew any registration issued under this Section due to any of the following:
    - 1) The keeping of honeybees in a manner which constitutes a nuisance to the health, safety, or general welfare of the public;
    - 2) Fraud, misrepresentation, or a false statement contained in a registration or renewal application, or during the course of the registered activity;  
or
    - 3) Any violation of the conditions or requirements of this Section, or of any applicable provisions in this Code related to the property.
  - b. The City shall provide the registrant written notice of a violation and identify the period in which the violation must be corrected. If the registrant fails to correct the violation in accordance with the notice, the City may provide the registrant a written notice of its intent to suspend, revoke, or non-renew the registration. The notice shall indicate the registrant has an opportunity to be heard before the City takes any action on the registration. If requested, the City shall schedule a hearing and provide notice to the registrant. The City Manager may elect to conduct the hearing or to assign the matter to a hearing officer appointed by the City. The decision of the City Manager or the hearing officer on the suspension, revocation, or non-renewal shall be issued in writing and provided to the registrant. The registrant may appeal the decision by filing a notice of appeal with the City within fourteen (14) days of the date of the notice of decision. The notice of appeal must state the specific grounds for the appeal and identify the requested relief. Timely appeals shall be processed and acted on as provided in this Section.
8. Appeals. An appeal brought under this Section shall be heard by a hearing officer appointed by the City. The City shall provide the appellant at least ten (10) written notice of the hearing. At the hearing, the appellant may speak and present witnesses and other evidence. If the registrant is not the appellant, that person shall also be provided an opportunity to speak and present witnesses or other evidence at the hearing. Upon the conclusion of the hearing, the hearing officer shall issue a written decision that includes findings of fact. The City shall provide the appellant and the registrant (if not the appellant) a copy of the hearing officer's decision.

Section 1-200. FEEDING OF WILD ANIMALS PROHIBITED. No person may place, or permit to be placed on the ground or within five (5) feet of the ground surface, any grain, fruit, nuts, fodder, salt licks, or any other food, including feed for birds, which may reasonably be expected to result in wild animal feeding, except as follows:

1. Feeding programs or efforts undertaken by the City in accordance with its wildlife

management plan;

2. Veterinarians, City Animal Control Officers, or county, state or federal game officials who, in the course of their duties, have wild animals in their custody;
3. Any food placed upon the property for the purpose of trapping or otherwise taking wild animals where such trapping or taking is pursuant to a permit issued by the Department of Natural Resources;
4. Planting of seeds or plants for the purpose of establishing or maintaining a lawn or garden, covering gardens or plants with straw for the purpose of providing protection during winter months or when establishing new lawns, or using straw bales for erosion control;
5. The presence of living food sources, such as fruit trees or other live vegetation, in their natural state; or
6. Feeding of small birds using self-enclosed feeding devices or containers where the access to the feed is located at least 5 feet above the ground. If a person is not physically able to place the bird feeding materials at that height, a lower height is permitted, provided the feeding occurs in a way that does not promote the feeding of other wild animals.

Section 1-250. DEFINITIONS. For the purposes of Sections 1-250 through 1-280, the terms defined in this Section shall have the meaning given them. Terms not defined in this Section shall have the meaning given them in Section 1-101 of this Code.

1. Dangerous dog. Dangerous dog means any dog that has:
  - a. without provocation, inflicted substantial bodily harm on a human being or domestic animal on public or private property;
  - b. been found to be potentially dangerous and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals; or
  - c. been determined to be a dangerous dog by the City or any other governmental jurisdiction.
2. Potentially dangerous dog. Potentially dangerous dog means any dog that:
  - a. when unprovoked, has inflicted a bite on a human being or domestic animal on public or private property;
  - b. when unprovoked, has chased or approached a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack;

- c. has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals; or
  - d. has been determined to be a potentially dangerous dog by any other governmental jurisdiction.
- 3. Proper Enclosure. Proper enclosure means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.
  - 4. Owner. Owner means any person, firm, corporation organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.
  - 5. Great bodily harm. Great bodily harm means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.
  - 6. Substantial bodily harm. Substantial bodily harm means bodily injury which invokes a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.
  - 7. Animal Control Officer. Animal Control Officer means an individual who has been designated for animal control operations within the jurisdiction of the City.
  - 8. City Manager. City Manager means the City Manager or the City Manager's designee.
  - 9. Provocation. Provocation means an act that an adult could reasonably expect may cause a dog to attack or bite.

Section 1-255.      DECLARATION OF DANGEROUS OR POTENTIALLY DANGEROUS DOGS.

- 1. Adoption by Reference. Except as otherwise provided in Sections 1-250 to 1-300, the regulatory and procedural provisions of Minn. Stat. § 347.50 to 347.565 are adopted by reference.

2. Declaration by Police or Animal Control. A police officer, community service officer, or Animal Control Officer may declare a dog to be dangerous or potentially dangerous.
3. Exceptions.
  - a. The provisions of Sections 1-250 to 1-300 do not apply to dogs used by law enforcement officials for police work.
  - b. Dogs may not be declared dangerous or potentially dangerous if the threat, injury or danger was sustained by a person who was: i) committing a willful trespass or other tort upon the premises occupied by the owner of the dog; ii) provoking, tormenting, abusing or assaulting the dog, or who can be shown to have a history of repeatedly provoking, tormenting, abusing, or assaulting the dog; or, iii) committing or attempting to commit a crime.
4. Notice to Owner. If a dog is declared potentially dangerous or dangerous according to the criteria in Section 1-250 (1) or (2), the Animal Control Officer will give notice, by delivering or mailing it to the owner of the dog, of intent to declare the dog potentially dangerous or dangerous. Such notice shall inform the owner of this designation, the basis for the designation, the procedures for contesting the designation as described in Section 1-255 (5) (a) and the result of the failure to contest the designation as described in Section 1-255 (5) (b). Upon receipt of notice of intent, the dog owner must comply with the requirements of Section 1-270 (1) and continue to comply with such requirements until the dog is dead or removed from the City, or the City has determined that the dog is not dangerous or potentially dangerous. The owner shall be informed of this requirement in the notice of intent.
5. Contesting Declaration of Dangerous or Potentially Dangerous Dogs.
  - a. If the owner of a dog has received a notice of intent under Section 1-255 (4), the owner may request that a hearing be conducted to determine whether or not such a designation is justified. Such request must be made in writing and delivered to the City Manager within 14 days of receipt of the notice of intent. A hearing fee as set forth by City Council resolution must be paid prior to scheduling the hearing. In the event that the declaration is overturned, the hearing fee will be returned to the owner.
  - b. If the owner fails to contest the notice of intent within 14 days, the owner forfeits the right to a hearing and the declaration of the dog as potentially dangerous or dangerous is final. The City Manager will then issue a declaration to the owner and the owner must comply with all applicable requirements of this Section or cause the dog to be humanely destroyed or removed from the City limits.

6. Hearing Procedure. Within ten days after receiving the owner's request for a hearing, the City Manager will notify the dog owner of the hearing date. The hearing will be scheduled within forty-five days. The hearing will be conducted by the Animal Control Review Panel, which will consist of three members, as appointed by the Mayor. The owner may call witnesses and present evidence on his or her behalf. A simple majority of the members of the Panel is necessary for a finding that the dog is either dangerous or potentially dangerous. The Panel will inform the owner of its decision in writing and must state the reasons for its decision.
7. Effect of Findings. If the Panel finds that there is a sufficient basis to declare the dog potentially dangerous or dangerous, the owner must immediately comply with all applicable requirements of Sections 1-265 to 1-270 or immediately cause the dog to be humanely destroyed or removed from the City limits.
8. Appeal. If the owner of the dog disputes the decision of the Panel, the owner may appeal the decision of the Panel to the City Council. An appeal to the City Council must be in writing and submitted to the City Manager within 14 days of the Panel's decision. The owner may appeal the decision of the City Council in accordance with procedures under state law.

Section 1-260. REVIEW OF DECLARATION. Beginning six months after notice is given of intent to declare a dog to be potentially dangerous or dangerous, an owner may request annually that the Animal Control Review Panel review the designation. A hearing fee as set forth by City Council resolution must be paid prior to scheduling the hearing. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the Panel finds sufficient evidence that the dog's behavior has changed, it may rescind the potentially dangerous or dangerous designation.

Section 1-265. REGISTRATION.

1. Requirement. No person may own a potentially dangerous or dangerous dog in the City unless the dog is registered as provided in this Section.
2. Certificate of Registration. The City Manager will issue a certificate of registration to the owner of a potentially dangerous or dangerous dog if the owner presents sufficient evidence that:
  - a. a proper enclosure exists for the dog and all accesses to the premises are posted with clearly visible warning signs issued or approved by the Animal Control Officer, that there is a potentially dangerous or dangerous dog on the property;
  - b. in the case of a dangerous dog only, a surety bond to be held by the City

Clerk has been issued by a surety company authorized to conduct business in this state in a form acceptable to the City Clerk and the City Attorney in the sum of at least \$300,000, payable to any person injured by the dangerous dog, or a policy of liability insurance has been issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog;

- c. the owner has paid the annual registration fee as provided for in this Section; and
  - d. the owner has had microchip identification implanted in the dangerous dog or potentially dangerous dog as required under Minn. Stat. § 347.515.
3. Warning Sign. If the City issues a certificate of registration to the owner of a potentially dangerous dog or dangerous dog under Section 1-265 (2), the City will provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The City may charge the dog owner a reasonable fee to cover its administrative costs and the costs of the warning symbol.
4. Fee. The City will charge the owner an annual fee to obtain a certificate of registration for a potentially dangerous or dangerous dog. The fee for every such registration shall be as set forth by City Council resolution. Every such registration shall expire on September 30 next after its issuance. No registration fee shall be refunded or prorated.
5. Tag. A potentially dangerous or dangerous dog registered under this Section must have a tag, issued by the City, identifying the dog as potentially dangerous or dangerous. This tag must be affixed to the dog's collar and worn by the dog at all times.

Section 1-270. POTENTIALLY DANGEROUS AND DANGEROUS DOGS; ADDITIONAL REQUIREMENTS.

1. Enclosure and Proper Restraint. An owner of a potentially dangerous or dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.
2. Registration Renewal. An owner of a potentially dangerous or dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a potentially dangerous or



dangerous dog in its new jurisdiction.

3. Death or Transfer. An owner of a potentially dangerous or dangerous dog must notify the City Manager in writing of the death of the dog or its transfer, and must, if requested by the City Manager, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred.
4. Sterilization. The Animal Control Officer shall require a potentially dangerous or dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days of receipt of notice of intent, the Animal Control Officer shall have the animal sterilized at the owner's expense. The owner may contest and appeal a decision requiring a potentially dangerous dog to be sterilized in accordance with the procedures set forth in Section 1-255 (5) (a). Such request must be made in writing and delivered to the City Manager within 14 days of receipt of notice of registration. A hearing fee as set forth by City Council resolution must be paid prior to scheduling the hearing. In the event that the sterilization requirement is overturned, the hearing fee will be returned to the owner.
5. Rental Property. A person who owns a potentially dangerous or dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a potentially dangerous or dangerous dog that will reside at the property. A dog owner, who is currently renting property, must notify the property owner within 14 days of City notification if the dog is newly declared as dangerous or potentially dangerous and the owner keeps the dog on the property.
6. Sale. A person who sells a potentially dangerous or dangerous dog must notify the purchaser that the dog has been declared as potentially dangerous or dangerous. The seller must also notify the City Manager with the new owner's name, address, and telephone number.

#### Section 1-275. SEIZURE.

1. Immediate Seizure.
  - a. The Animal Control Officer or any police officer or community service officer may immediately seize any potentially dangerous or dangerous dog if:
    - (1) after 14 days after the owner has notice that the dog is potentially dangerous or dangerous, the dog is not registered as required under Section 1-265 and no appeal has been filed;
    - (2) in the case of a dangerous dog, after 14 days after the owner has



notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under Section 1-265 (2) (b);

- (3) the dog is not maintained in the proper enclosure;
- (4) the dog is outside the proper enclosure and not under physical restraint of responsible person as required under Section 1-270 (1);
- (5) after the owner has been notified that the dog is potentially dangerous or dangerous, the dog bites or attacks a person or domestic animal; or
- (6) the dog is not sterilized within 30 days pursuant to Section 1-270 (4).

b. If an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

2. Reclaimed. A potentially dangerous or dangerous dog seized under Section 1-275 (1) may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the Animal Control Officer that the requirements of Section 1-265 and Section 1-270 will be met. A dog not reclaimed within seven days of seizure may be disposed of as provided in Minn. Stat. § 35.71, subdivision 3. The owner is liable to the City for costs incurred in confining and disposing of the dog.

3. Subsequent Offenses. If a person has been convicted of a misdemeanor for violating a provision of Section 1-265 or 1-270, and the person is charged with a subsequent violation relating to the same dog, the Animal Control Officer must seize the dog. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner is responsible for paying the cost of confining and destroying the animal. If the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the City of a fee for the care and boarding of the dog. If the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under Minn. Stat. § 35.71, subdivision 3. The owner is liable to the City for the costs incurred in confining, impounding, and disposing of the dog.

4. Disposition of Seized Dogs.

a. Right to a Hearing. The owner of any seized dog has the right to a hearing by the Animal Control Review Panel. The notice and hearing requirements

in Section 1-255 will apply to a hearing requested under this Section. Any hearing requested under this Section will be held within 14 days of the request. In the event that the seizure is upheld by the Panel, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog owner. The Panel will issue a decision within ten days after the hearing. The decision will be hand-delivered to the dog's owner or delivered via registered mail as soon as practical and a copy will be provided to the Animal Control Officer and City Manager.

- b. Security. A person claiming an interest in a seized dog may prevent disposition of the dog by posting security in an amount sufficient to provide for the dog's actual cost of care and keeping. The security must be posted within seven days of the seizure inclusive of the date of seizure.

#### Section 1-276. RESTRICTIONS ON DOG OWNERSHIP.

1. Dog ownership prohibited. Except as provided in paragraph 3 of this Section, no person may own a dog if the person has been:
  - a. convicted of a third or subsequent violation of Sections 1-265 or 1-270 or Minn. Stat. § 347.515;
  - b. convicted of 2<sup>nd</sup> degree manslaughter due to negligent or intentional use of a dog under a violation under Minn. Stat. § 609.205, clause 4;
  - c. convicted of a gross misdemeanor harm caused by a dog under Minn. Stat. § 609.226, subdivision 1;
  - d. been convicted of a violation under Minn. Stat. § 609.226, subdivision 2;
  - e. had a dog ordered destroyed under Section 1-280 and been convicted of one or more violations of Section 1-265, 1-270, Minn. Stat. § 347.515 or 609.226, subdivision 2.
2. Household members. If any member of a household is prohibited from owning a dog under paragraph 1, unless specifically approved with or without restrictions by the City, no person in the household is permitted to own a dog.
3. Dog ownership prohibition review. Beginning three years after a conviction under Section 1-276 (1) that prohibits a person from owning a dog, and annually thereafter, the person may request in writing to the City Manager that the Animal Control Review Panel review the prohibition. The Panel may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other facts that the Panel deems appropriate. The Panel may rescind the prohibition entirely or rescind it with limitations. The Panel also may establish conditions a person must meet before the prohibition is rescinded,

including, but not limited to, successfully completing dog training or dog handling courses. If the Panel rescinds a person's prohibition and the person subsequently fails to comply with any limitations imposed by the City or the person is convicted of any animal violation involving unprovoked bites or dog attacks, the Panel may permanently prohibit the person from owning a dog in this state.

Section 1-280. DESTRUCTION OF DOG IN CERTAIN CIRCUMSTANCES.

1. Circumstances. Notwithstanding Sections 1-265 to 1-276, a dog may be ordered destroyed in a proper and humane manner by the Animal Control Officer if the dog:
  - a. inflicted substantial or great bodily harm on a human being on public or private property without provocation;
  - b. inflicted multiple bites on a human being on public or private property without provocation;
  - c. bit multiple human victims on public or private property in the same attack without provocation; or
  - d. bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.
2. Hearing. The Animal Control Officer may not destroy the dog until the dog owner has had the opportunity for a hearing before the Animal Control Review Panel.

Section 1-300. PENALTY.

1. Any person violating the provisions of Sections 1-265 or 1-275, shall, upon conviction thereof, be guilty of a misdemeanor and shall be subject to penalties specified for misdemeanors in Minn. Stat. § 609.03, as amended from time to time. Each day that a violation exists shall constitute a separate offense.
2. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a potentially dangerous or dangerous dog, to fail to account for a dangerous dog's death or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.
3. A person who is convicted of a second or subsequent violation of paragraphs (1) or (2) is guilty of a gross misdemeanor.
4. An owner who violates Minn. Stat. § 347.542 or Section 1-276 of this Code is guilty of a gross misdemeanor.

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5. Any household member who knowingly violates Minn. Stat. § 347.542, subdivision 2, or Section 1-276 of this Code is guilty of a gross misdemeanor.